

**A BILL FOR AN ORDINANCE VACATING
A PORTION OF WEIRICH DRIVE
RIGHT OF WAY EAST OF HIGHWAY 20.**

**ORDINANCE BILL NO. 2011-11
ORDINANCE NO. 2824**

WHEREAS, the City of Lebanon has initiated vacation proceedings for an area of land being 50.00 feet in equal width being known as Weirich Drive (C.R. 717-A) in the Southwest ¼ of Section 24, Township 12 South, Range 2 West, of the Willamette Meridian, City of Lebanon, Linn County, Oregon being more particularly described as follows:

Beginning at the intersection of the South line of the Richmond Cheadle DLC No. 69 and the northerly right-of-way of the Oregon Electric Railroad in the Southwest ¼ of Section 24, Township 12 South, Range 2 West, of the Willamette Meridian, Linn County, Oregon; thence South 70°32'08" East 78.63 feet along said railroad right-of-way; thence leaving said right-of-way, South 89°04'31" East 793.27 feet; thence along the arc of a 287.00 foot radius curve to the right, 108.18 feet, (chord bears North 61°22'11" West 107.54 feet); thence North 89°04'31" West 847.14 feet to the said northerly right-of-way of the Oregon Electric Railroad; thence South 70°32'08" East 78.63 feet to the point of beginning.

WHEREAS, the Council for the City of Lebanon has conducted a public hearing on August 10, 2011, having duly considered the testimony of interested persons and the general public; and

WHEREAS, the City Council finds that notice has been duly given, and

WHEREAS, the City Council has determined that the public interests will not be prejudiced by the vacation of such right of way, and

WHEREAS, the City Clerk has filed in the office of the City Clerk a certificate showing that all city liens and all taxes have been paid on the lands covered by the portion to be vacated;

After Recording, Please Return To:
City of Lebanon
Attn: City Clerk
925 Main Street
Lebanon, OR 97355

AREA RESERVED
FOR USE BY
LINN COUNTY RECORDER

NOW, THEREFORE, the people of the City of Lebanon do ordain as follows:

Section 1. A portion of Weirich Drive right of way located east of Highway 20, more particularly described as follows:

Beginning at the intersection of the South line of the Richmond Cheadle DLC No. 69 and the northerly right-of-way of the Oregon Electric Railroad in the Southwest ¼ of Section 24, Township 12 South, Range 2 West, of the Willamette Meridian, Linn County, Oregon; thence South 70°32'08" East 78.63 feet along said railroad right-of-way; thence leaving said right-of-way, South 89°04'31" East 793.27 feet; thence along the arc of a 287.00 foot radius curve to the right, 108.18 feet, (chord bears North 61°22'11" West 107.54 feet); thence North 89°04'31" West 847.14 feet to the said northerly right-of-way of the Oregon Electric Railroad; thence South 70°32'08" East 78.63 feet to the point of beginning.

is hereby declared vacated.

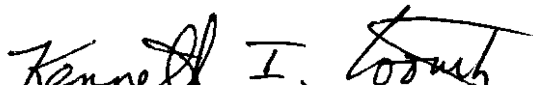
Section 2. A public utility and access easement will be preserved over the entire vacated portion of Weirich Drive for the existing franchise utilities located within the vacated section.

Section 3. A certified copy of this Ordinance vacating the above-described right of way on any map in regard thereto shall be filed for record with the County Clerk for Linn County.

Section 4. A certified copy of this Ordinance shall be also filed with the County Assessor and the County Surveyor for the County of Linn.

Adopted by the Lebanon City Council and approved by the Mayor this 10th day of August, 2011 with 4 Yeas and 0 Nays.

CITY OF LEBANON, OREGON


Kenneth I. Toomb, Mayor
Bob Elliott, Council President

Attest:


Linda Kaser, City Clerk

RIGHT OF WAY VACATION

KNOW ALL PERSONS BY THESE PRESENTS that a Public right of way was granted to the CITY OF LEBANON, a municipal corporation of the State of Oregon, in Linn County Resolution and Order No. 2011-059, the right of way over and along the full width and length of the premises described as follows; to wit:

An area of land being 50.00 feet in equal width being known as Weirich Drive (C.R. 717-A) in the Southwest ¼ of Section 24, Township 12 South, Range 2 West, of the Willamette Meridian, City of Lebanon, Linn County, Oregon being more particularly described as follows:

Beginning at the intersection of the South line of the Richmond Cheadle DLC No. 69 and the northerly right-of-way of the Oregon Electric Railroad in the Southwest ¼ of Section 24, Township 12 South, Range 2 West, of the Willamette Meridian, Linn County, Oregon; thence South 70°32'08" East 78.63 feet along said railroad right-of-way; thence leaving said right-of-way, South 89°04'31" East 793.27 feet; thence along the arc of a 287.00 foot radius curve to the right, 108.18 feet, (chord bears North 61°22'11" West 107.54 feet); thence North 89°04'31" West 847.14 feet to the said northerly right-of-way of the Oregon Electric Railroad; thence South 70°32'08" East 78.63 feet to the point of beginning.

The City of Lebanon hereby reconveys and releases the right of way described above, it being the intention of the parties to terminate, release, and relinquish all the right, title, and interest of the City in the above-described right of way, except for a public utility and access easement that shall be retained over the vacated section for franchise utilities located within the section.

IN WITNESS THEREOF, The City of Lebanon has executed this release this 13th day of July, 2011.

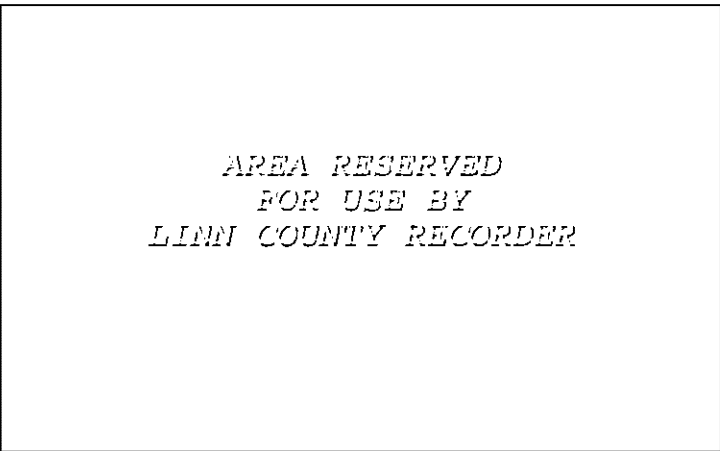
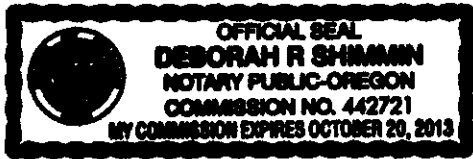
CITY OF LEBANON, OREGON

By: Kenneth I. Toomb
Kenneth I. Toomb, Mayor
Bob Elliott, Council President
By: Linda Kaser
Linda Kaser, City Clerk

STATE OF OREGON)
) ss.
COUNTY OF LINN)

Before me, on the 10th day of August, 2011, personally appeared the above-named Kenneth I. Toomb and Linda Kaser, who each being duly sworn did say that the former is the Mayor/Council President and the latter is the City Clerk for the City of Lebanon, a Municipal Corporation, and that the seal affixed to the foregoing instrument was signed and sealed on behalf of said corporation, and each of them acknowledged said instrument to be its voluntary act and deed.

Deborah R. Shimmitt
NOTARY PUBLIC FOR OREGON
My Commission Expires: 10/20/13




AREA RESERVED
FOR USE BY
LINN COUNTY RECORDER

AFTER RECORDING RETURN TO:
City of Lebanon Attn: City Clerk
925 Main Street
Lebanon, OR 97355

Parcel Table				
Line/Curve	Direction/Delta	Length	Radius	Chord
L1	N89°04'31"W	847.14		
C1	21°35'50"	108.18	287.00	N61°22'11"W 107.54
L2	S70°32'08"E	78.63		
L3	S89°04'31"E	793.27		
L4	S70°32'08"E	78.63		

POINT OF BEGINNING
 N89°04'31"E 2196.19'
 FROM THE NW COR
 DLC 79

HIGHWAY 20
 O.E.R.R.

 SUBJECT AREA:
 40,645 S.F.

(50.00')

WEIRICH DRIVE
 (L4)

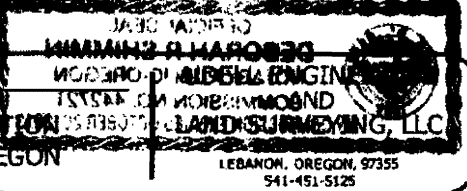


SCALE AS NOTED
 SHEET 1
 OF 1



Date: MARCH 2010
 Project: BENDER VACATION
 Drawn by: HLM
 Checked by: BL

BENDER VACATION
 BENDER VACATION
 LEBANON, OREGON


 DEBORAH R. CHINN
 ENGINEER
 LAND SURVEYING, LLC
 LEBANON, OREGON, 97355
 541-451-5125